

RESOLUTION NO.1747

A RESOLUTION DIRECTING NOTICE TO BE GIVEN OF A PUBLIC HEARING ON PROPOSED SPECIAL ASSESSMENTS TO BE LEVIED IN CONNECTION WITH CERTAIN STORM SEWER, SANITARY SEWER, WATERLINE AND ELECTRICAL IMPROVEMENTS IN THE CITY OF GARDNER, KANSAS (CENTER STREET COMMONS STORM SEWER, SANITARY SEWER, WATERLINE, AND ELECTRICAL IMPROVEMENT DISTRICT).

WHEREAS, pursuant to Resolution No. 1695 of the city of Gardner, Kansas (the "City"), adopted on February 20, 2006, the City has authorized the construction of certain sanitary sewer, storm sewer, waterline and electrical improvements in the City (the "Improvements") pursuant to K.S.A. 12-6a01 *et seq.*;

WHEREAS, the Improvements are substantially complete and it is necessary and advisable to prepare an assessment roll and to provide notice of a public hearing of such proposed assessments all in accordance with K.S.A. 12-6a09;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS, AS FOLLOWS:

Section 1. The Finance Director shall prepare a proposed assessment roll for the Improvements which shall set forth the proposed assessment against each lot, piece or parcel of land within the improvement district in the manner set forth in Resolution No. 1695. The proposed assessment roll shall be maintained on file with the City Clerk and be open for public inspection.

Section 2. Following preparation of the proposed assessment roll, the Governing Body shall hold a public hearing on the proposed assessments at its regular meeting on June 16, 2008. The City Clerk shall publish notice of the public hearing at least once not less than 10 days prior to June 16, 2008, and shall mail to the owners of the property liable to pay the assessments, at their last known post office address, a notice of the hearing and a statement of the cost proposed to be assessed all in accordance with K.S.A. 12-6a09. The published notice shall be in substantially the form as set forth in Exhibit A to this Resolution.

Section 3. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Governing Body on May 19, 2008.

(Seal)

/s/ Carol Lehman
Carol Lehman, Mayor

ATTEST:

/s/ Melissa Mundt
Melissa Mundt, Deputy City Clerk

EXHIBIT A

[Form of notice of public hearing to be published no later than May 23, 2008.]

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the city of Gardner, Kansas (the "City"), will hold a public hearing meeting at City Council Chambers, City Hall, 120 E. Main, Gardner, Kansas, on June 16, 2008, at 7:00 p.m. (or as soon as practical thereafter), for the purpose of considering and hearing any and all complaints and objections to an assessment roll prepared in connection with the following improvements in the City, as authorized by Resolution No. 1695 of the City, adopted February 20, 2006:

Sanitary Sewers - 8" and 6" gravity sanitary sewer lines will be constructed on the Center Street Commons property to serve all of the proposed lots in the development. The improvements will include approximately 146 linear feet of 8" gravity sewer main and 52 linear feet of 6" gravity main, manholes, fittings, trench, backfill, compaction, testing, and necessary engineering, surveying and appurtenances.

Public Storm Sewer – A public storm sewer will be constructed on the Center Street Commons property to convey storm water across the property. The improvement will include approximately 889 linear feet of 48" diameter reinforced concrete pipe (RCP), approximately 146 linear feet of connecting 15" diameter reinforced concrete pipe (RCP), manholes, fittings, approximately 657 linear feet of drain tile, trenching, backfill, up to 6,030 cubic yards of fill material, compaction, testing, and necessary engineering, surveying, staking, and appurtenances.

Waterline improvements – An 8" public waterline main will be constructed to loop the public waterline from the west side of Gardner Road at the western extents of the project property to 183rd Street at the northern extent of the project property to serve all the proposed lots in the development. The improvements will include approximately 993 linear feet of 8" water line, valves, fire hydrants, fittings, trench, backfill, compaction, testing, and necessary engineering, surveying and appurtenances.

Electrical Installation – The extension of the municipal electric utility to include electrical service for all Center Street Commons property. The improvements will include all material, labor, equipment, etc. to perform necessary work.

The improvements have been completed at a total cost of \$635,000 and such costs will be apportioned between the City and the improvement district described below (the "Improvement District") as follows: (a) the City-at-large shall pay 0% of the costs of the improvements, and (b) the Improvement District will be assessed 100% of the costs of the improvement.

The Improvement District includes the following property:

Lot 1 and Tracts B, C and D, Final Plat of Center Street Commons in the City of Gardner, Johnson County, Kansas.

The assessment roll is on file in the office of the City Clerk and may be examined by any interested party. Anyone who wishes to make any complaint, comment or objection, written or oral, to the assessment roll may appear and will be heard at the public hearing meeting or at any adjournment of such meeting and the Governing Body of the City will hear and pass on any such objections, and may amend the proposed assessments as described in the assessment roll. Upon completion of the public hearing, the amounts of the assessments will be finally determined by the Governing Body of the City.

DATED May 19, 2008.

/s/ Melissa Mundt

Melissa Mundt, Deputy City Clerk